



Attorney's Docket No. 4068.P004X PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Application of: Andrew T. Busey, et al.)

Application No.: 09/060,867)

Filed: April 15, 1998)

For: METHOD AND APPARATUS FOR
REAL TIME NETWORK
COMMUNICATION)

Group No.: 2758

Examiner: Winder, P.

Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

The undersigned attorney represents that the undersigned attorney is the attorney of record for the above-referenced patent application.

The assignee of the entire right, title, and interest in and to the above-referenced patent application is Avaya Inc. ("assignee"),
(Name of Assignee)

a Delaware corporation having a place of business at
(State of Incorporation)

211 Mount Airy Road, Basking Ridge, New Jersey 07920
(Address)

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231

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The terminal part of any patent granted on the above-identified application, serial number 9/060,867, that would extend beyond the expiration of the full statutory term of

 x United States Patent No 5,764,916, entitled
METHOD AND APPARATUS FOR REAL
TIME COMMUNICATION OVER A COMPUTER
NETWORK, and whose filing date is
September 27, 1996, as presently shortened
by any terminal disclaimer,

is hereby disclaimed, except as provided below, and it is agreed that any patent granted on the above mentioned application, serial number 9/060,867, will be enforceable only for and during the period that it and patent number 5,764,916, to which the disclaimer is directed, are commonly owned. Both the above-identified application, serial number 9/060,867 and U.S. Patent No. 5,764, 916 are currently owned by Avaya corporation.

This agreement is to run with any patent granted on the above-identified application, serial number 9/060,867, and to be binding upon the grantor, its successors, or assigns.

No disclaimer is being made as to any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of

 x United States Patent No 5,764,916, as presently
shortened by any terminal disclaimer,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a

reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Enclosed is a check for \$ 110.00 for the fee under 37 C.F.R. § 1.20(d).

Please charge Deposit Account No. 02-2666 for any fee deficiency that may be due. A duplicate of this Terminal Disclaimer is enclosed for Deposit Account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Dated: 12/12/2001

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